

1. (Amended) A method of generating comfort noise in a speech decoder that receives speech and noise information from a communication channel, comprising:

providing a plurality of comfort noise parameter values normally used by the speech decoder to generate comfort noise;

*A* [obtaining] calculating, at the speech decoder, variability information indicative of variability of a background noise parameter, wherein said calculation step includes the speech decoder obtaining the variability information independently of the communication channel;

in response to the variability information, [modifying] perturbing the comfort noise parameter values to produce modified comfort noise parameter values perturbing at the speech decoder; and

[using] generating comfort noise perturbed according to the modified comfort noise parameter values at the speech decoder [to generate comfort noise].

17. (Amended) An apparatus for producing comfort noise parameters for use in generating comfort noise in a speech decoder that receives speech and noise information from a communication channel, comprising:

a first input for providing a plurality of comfort noise parameter values normally used by the speech decoder to generate comfort noise;

a second input for providing a background noise parameter;

a variability estimator coupled to said second input and responsive to the background noise parameter for calculating variability information;